



CRL.O.P (MD) No.9099 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 24.06.2024

CORAM

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CRL.O.P (MD) No.9099 of 2024

P.Muthukumar

... Petitioner

Vs

1. The Superintendent of Police,
Thoothukudi District
Thoothukudi.

2. The Inspector of Police,
Srivaigundam Police Station,
Thoothukudi.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to direct the 1st respondent to direct the 2nd respondent not to harass the petitioner in any manner under the guise of enquiry without following any due process of law.

For Petitioner : Mr.S.Muthuvinayagam

For Respondents : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor



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ORDER

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The petitioner has approached this Court that the respondent police are harassing him under the guise of an enquiry.

2. The learned Additional Public Prosecutor submits that there is a money dispute between the defacto complainant and the petitioner. Based on a complaint, petition enquiry is pending in C.No.86/SDO/SRM/2024 against the petitioner.

3. The Police get the power of enquiry / investigation only on registration of an FIR. In ***Lalitha Kumari Vs Government of Uttar Pradesh and others*** reported in ***(2013) 14 SCR 801***, the Hon'ble Supreme Court permitted the Station House Officers to conduct preliminary enquiry on certain nature of complaints like matrimonial dispute, commercial disputes, medical negligence etc.,. However complaints of civil in nature are entertained and these petition enquiries are also prolonged for several months. The Police Standing Order PSO.No.562 prohibits investigation in the cases of civil in nature. Circulars are also issued by the Additional Director General of Police in



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Circular NO.18/ ADGP/L&O/Camp/2024 dated 09.01.2024 that the police are strictly refrained from enquiring or entertaining in civil matters like money dispute, land dispute, property dispute, pathway dispute, intellectual property dispute.,etc.,

4. These circulars also caution police officer that any petition enquiry without endorsement of Superintendent of Police / Commissioner of Police on civil matters would be considered illegal and will attract disciplinary action.

5. Therefore, it is the responsibility of the superior officers like Deputy Superintendent of Police, Additional Superintendent of Police, Superintendent of Police and Commissioner of Police to ensure that these instructions of the Additional Director General of Police in Circular No. 18/ ADGP/L&O/Camp/2024 dated 09.01.2024 are strictly complied with.

6. In view of the above, the respondent police shall not harass the petitioner and the respondent Police shall conclude the petition enquiry within a period of two weeks from the date of receipt of copy of this



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order. Accordingly this criminal original petition is allowed.

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NCC : Yes/No
Internet: Yes/No
Index: Yes/No

24.06.2024

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To

1. The Superintendent of Police,
Thoothukudi District
Thoothukudi.
2. The Inspector of Police,
Srivaigundam Police Station,
Thoothukudi.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI, J.

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